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*Attorneys for Defendant,  
Rochester Institute of Technology*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ESTATE OF STANLEY KAUFFMANN,

Plaintiff,

-against-

ROCHESTER INSTITUTE OF TECHNOLOGY,

Defendant.

1:16-cv-02509-NRB

**NOTICE OF DEFENDANT'S  
MOTION TO DISMISS FOR  
IMPROPER VENUE UNDER  
RULE 12(b)(3), OR IN THE  
ALTERNATIVE TO  
TRANSFER PURSUANT TO  
28 U.S.C. § 1404(a)**

**TO: Kenneth P. Norwick, Esq.  
Norwick, Schad & Goering  
110 East 59th Street  
New York, NY 10022**

**COUNSEL:**

PLEASE TAKE NOTICE that defendant Rochester Institute of Technology moves pursuant to Federal Rule of Civil Procedure 12(b)(3) to dismiss this case for improper venue, or in the alternative to transfer this case to the Western District of New York pursuant to 28 U.S.C. § 1404(a); and

PLEASE TAKE FURTHER NOTICE that, in support of this motion, defendant relies on the "Declaration of Laura DiPonzio Heise in Support of Motion to Dismiss or Transfer" and the "Memorandum of Law in Support of Defendant's Motion to Dismiss for Improper Venue Under

Rule 12(B)(3), or in the Alternative to Transfer Pursuant to 28 U.S.C. § 1404(a)” submitted herewith, together with all papers on file in this Court and cause.

DATED: June 9, 2016  
New York, New York

HOLLAND & KNIGHT LLP

*Attorneys for Defendant,  
Rochester Institute of Technology*

By: /s Charles A. Weiss  
CHARLES A. WEISS

**CERTIFICATE OF SERVICE**

I certify that true and correct copies of the “Notice of Defendant’s Motion to Dismiss for Improper Venue Under Rule 12(b)(3), or in the Alternative to Transfer Pursuant to 28 U.S.C. § 1404(a),” the “Memorandum of Law in Support of Motion to Dismiss for Improper Venue Under Rule 12(b)(3) or in the Alternative to Transfer Pursuant to 28 U.S.C. § 1404(a), and the “Declaration of Laura DiPonzio Heise in Support of Motion to Dismiss or Transfer” have been served on all counsel of record in accordance with the Court’s electronic filing procedures on June 9, 2016.

By: /s Charles A. Weiss  
CHARLES A. WEISS